

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WANDA TATE-LINTON	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 14-4084
NEW JERSEY TRANSIT RAIL OPERATIONS, INC.	:	
and JAMES HOLLINGER	:	

**ORDER**

AND NOW, this 21st day of April, 2015, after consideration of plaintiff's Second Amended Complaint (paper no. 16), defendants' Motion to Dismiss for Failure to State a Claim (paper no. 17), Exhibits in Support of Motion to Dismiss (paper no. 18), and plaintiff's Response in Opposition (paper no. 21), and after holding an evidentiary hearing on January 14, 2015, at which the parties were heard, it appearing that:

- a. Plaintiff filed this action on July 3, 2014. Plaintiff's claim for gender discrimination under Title VII of the Civil Rights Act of 1964 requires that she first exhaust her administrative remedies.
- b. Plaintiff must have filed this action within ninety days after receipt of notice of right to sue from the Equal Employment Opportunity Commission ("EEOC").
- c. The EEOC issued notice of right to sue regarding plaintiff's EEOC complaint on April 12, 2013.
- d. Plaintiff has not offered credible evidence to rebut the presumption that she timely received notice of right to sue.

It is therefore **ORDERED** that defendants' Motion to Dismiss (paper no. 17) is **GRANTED**, in part. Plaintiff's claim for gender discrimination under Title VII of the Civil Rights Act of 1964 is **DISMISSED** as untimely.

/s/ Norma L. Shapiro

J.